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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,991	10/03/2003	Raymond F. Howard		9068

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EXAMINER

ADAMS, GREGORY W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/677,991	HOWARD, RAYMOND F.	
	Examiner	Art Unit	
	Gregory W. Adams	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Referring to line 20-21, the negative limitation "without positioning fabric atop a solid upward-opening rear door" lacks basis in the original disclosure. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. See MPEP § 2173.05(i).

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Referring to line 13, it is unclear how "means for causing said vacation trailer to kneel" relates to suspension means. Moreover, claim 1 recites the limitation "said end" in line 13,14. It is unclear whether this refers to a "bumper end" or "trailer end". Thus, there is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3652

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parmer (US 6,722,726) in view of Ziese (US 4,103,960) and Heider et al. (US 4,733,876) and further in view of Dalpizzol et al. (US 2004/0000800).

With respect to claim 1, referring to FIGS. 1-6 Parmer '726 discloses a trailer 100, chassis 120, wheels, suspension means 120, body 110,113,126,112,134,135,136, closure means 114,124, means for unloading as per FIG. 3, means for roofing over 108. Parmer does not disclose a detachable bumper. Referring to FIGS. 1-8 Ziese '960 discloses a detachable bumper 16 for attachment to a travel trailer and for storage of a self-contained or internal electrical power generator. Col. 1, Ins. 45-54. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a detachable bumper to the trailer of Parmer, as per the teachings of Ziese, such that a travel trailer may have a detachable bumper for storing a self-contained or internal electrical power generator.

Parmer '726 and 'Ziese '960 do not include means for raising and lowering a back end. Referring to FIGS. 1-8, Heider et al. '876 disclose a means for raising and lowering 32 attached to the chassis 16 and suspension means 24 to adjust the height of the trailer 10. Col. 1, Ins. 13-15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a means for raising

Art Unit: 3652

and lowering the trailer of Parmer and Ziese, as per the teachings of Heider et al., such that a travel trailer height may be adjusted.

With respect to claim 2, Parmer '726 and 'Ziese '960 do not include means for raising and lowering a back end. Referring to FIGS. 1-8, Heider et al. '876 disclose a means for raising and lowering 32 comprising of compressed air, col. 3, Ins. 15-17, 24 to adjust the height of the trailer 10. Col. 1, Ins. 13-15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a compressed air means for raising and lowering the trailer of Parmer and Ziese, as per the teachings of Heider et al., such that a travel trailer height may be adjusted.

With respect to claim 3, referring to FIGS. 3 Parmer discloses a means for unloading a trailer 100.

With respect to claim 4, Parmer does not disclose a bumper that detaches. Parmer does not disclose a detachable bumper. Referring to FIGS. 1-8 Ziese '960 discloses a detachable bumper 16 for attachment to a travel trailer and for storage of a self-contained or internal electrical power generator. Col. 1, Ins. 45-54. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a detachable bumper to the trailer of Parmer, as per the teachings of Ziese, such that a travel trailer may have a detachable bumper for storing a self-contained or internal electrical power generator.

With respect to claim 5, Parmer, Ziese, and Heider et al. do not disclose a means for roofing-over and a window. Referring to FIG. 8, Dalpizzol et al. '800 discloses a means suspending fabric 20, 22. Dalpizzol et al. '800 teach that a door 4 and window

Art Unit: 3652

provide rear access to the cargo area and provides cover and/or shelter for objects under the door 4. Para. 0019, Ins. 5-12.

Response to Arguments

5. Applicant's arguments filed February 14, 2005 have been fully considered but they are not persuasive.
6. Applicant argues essentially that there is a relationship between "suspension means" and "means for causing said vacation trailer to kneel". With reference to paras. 11, 27, 39 and 41 it is unclear whether the suspension means is the "means for causing..." Moreover, while the relevance of "kneeling" is clear from the specification, it is unclear whether "an expandable air receptacle associated with a suitable compressed air system" is a "suspension means" or "a means for causing said vacation trailer to kneel." While a "means for" limitation draws structure from a specification it must be clear what that structure. In this case, where a structure disclosed in a specification may perform multiple functions, there is indefiniteness.
7. Applicant essentially argues that negative limitations provide a clear boundary of applicant's invention. Negative limitations inform the public of an applicant's legal boundaries as long as there is/are no other option(s). Applicant argues that "without a positioning fabric..." is clear because it "affixes to "edges of upraised door", but this does not rule out other alternatives could meet the negative limitation, alternatives such as: fixing to a middle of a door, or affixing to a top of a door and draping down over door sides.

Art Unit: 3652

8. Applicant argues that "literal identity of recitation is not required". However, the basis for antecedent basis rejections is indefiniteness. In this case, it is unclear whether "said end" refers to a bumper end or trailer end.
9. Applicant argues that Parmer's ramp cannot be removed without removing Parmer's unloading concept. However, and as was noted above, Parmer's discloses no criticalness, and further Parmer's invention could be practiced through manual methods. Further, Parmer discloses a means for loading which includes wheels.
10. Applicant argues that Ziese does not disclose a detachable bumper. Referring to FIG. 1 Ziese disclose a detachable bumper 10, 16 which stores items 32. Col. 2, Ins. 25-32. A bumper is "[a] protective device for absorbing shocks or impeding contact." The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2000 by Houghton Mifflin Company. Where it hit from behind, Ziese detachable bumper 10,16 would absorb shock for trailer 12.
11. Applicant argues that Parmer and Ziese do not include means for raising and lowering a trailer back end. However, applicant admits "air cylinders...raise and lower..." a trailer. Applicant Arguments page 10, Ins. 7-8. Because these air cylinders are raising and lowering a trailer, and a trailer end is attached to a trailer, the trailer end lowers.
12. Applicant argues that Dalpizzol et al. does not disclose a "means for suspending fabric." However, Dalpizzol et al. disclose a means for suspending 20, 22 fabric 18. Page 1, para. [0020]. Moreover, applicant discloses "any suitable means" will suffice

Art Unit: 3652

as structure to perform the function. Applicant's specification para 36, Ins. 3-4. Thus, Dalpizzol disclose the "means for suspending fabric."

13. Applicant's argument that prior existence is not grounds for obviousness. The motivation provided in the teaching references provides grounds for obviousness.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

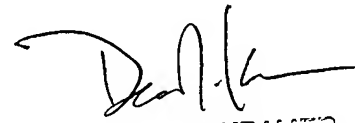
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA

 3/31/05
DEAN J. KEENAN
[Signature]